

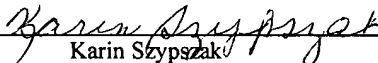
IAP7 Rec'd PCT/PTO 09 FEB 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re United States Patent Application of:</b>	)	<b>Docket No.:</b>	<b>4121-168</b>
<b>Applicants:</b>	)	<b>Conf. No.:</b>	<b>9836</b>
<b>Application No.:</b>	)	<b>Art Unit:</b>	<b>Unassigned</b>
<b>Date Filed:</b>	)	<b>Examiner:</b>	<b>Unassigned</b>
<b>Title:</b>	)	<b>Customer No.:</b>	
<b>METHOD OF INCREASING THE TRANSGENE-CODED BIOMOLECULE CONTENT IN ORGANISMS</b>	)		<b>23448</b>

**EXPRESS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

  
Karin Szypszak

February 9, 2006

Date

E0 007 858 535 US

Express Mail Label Number

**RESUBMISSION OF PREVIOUSLY FILED RESPONSE  
TO NOVEMBER 25, 2005 WITHDRAWAL OF PREVIOUSLY SENT NOTICE AND  
CORRECTED NOTICE IN U.S. PATENT APPLICATION NO. 10/500,264; REQUEST  
FOR CORRECTION OF USPTO RECORDS; SUBMISSION OF SEQUENCE LISTING  
IN COMPUTER READABLE FORM WITH STATEMENT UNDER 37 CFR 1.821-1.825;  
AND PRELIMINARY AMENDMENT, FILED IN THE U.S. PATENT AND  
TRADEMARK OFFICE ON DECEMBER 27, 2005**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

Pursuant to a telephone conversation with Examiner Cathy Kingdon Worley (Office P/1638) on February 8, 2006, it appears likely that Applicant's Response to the November 25,

2005 Withdrawal of Previously Sent Notice, and related papers, including sequence listing, have inadvertently been lost at the U.S. Patent and Trademark Office.

As evidence of timely filing, Applicants enclose herewith a copy of the date stamped receipt postcard (IAP4 Rec'd PCT/PTO 27 DEC 2005), as well as a copy of the Express Mail Label (No. EO 007 234 084 US) date stamped in on December 27, 2005 at the Chapel Hill, NC USPS, evidencing timely filing of the Response on December 27, 2005.

In addition, Applicants hereby resubmit copies of the following:

- 1) A copy of the December 27, 2005 Response to November 25, 2005 Withdrawal of Previously Sent Notice and Corrected Notice in U.S. Patent Application No. 10/500,264; Request for Correction of USPTO Records; Submission of Sequence Listing in Computer Readable Form with Statement Under 37 CFR 1.821-1.825; and Preliminary Amendment; and
- 2) A fresh computer readable sequence listing on diskette, identical to the previously submitted diskette, in compliance with 37 CFR 1.822 and 1.823.

Please enter the enclosed Sequence Listing into the specification of the application.

It is requested that a Notice of Acceptance of Application Under 35 USC 371 and 37 CFR 1.495 now be issued for the application, and that the application be passed to examination on the merits.

Respectfully submitted,



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Steven J. Hultquist  
Reg. No. 28,021  
Attorney for Applicants

INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
Phone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney File No.: 4121-168

<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 083284</p>
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JAN 06 2006

IPIL

This confirms receipt of:

Response to November 25, 2005 withdrawal of previously sent notice and corrected notice; submission of sequence listing in computer readable form with statement under 37 CFR 1.821-1.825 and preliminary amendment

In re U.S. Patent Appl. of:	Mahn, Andreas, et al.
Date Filed:	June 18, 2004
International Filing Date:	December 19, 2001
Title:	METHOD OF INCREASING THE TRANSGENE-CODED BIOMOLECULE CONTENT IN ORGANISMS
Date Mailed:	December 27, 2005
Express Mail Label:	EO 007 234 084 US
Attorney Ref:	4121-168

IP4 Rec'd PGT/PTO 27 DEC 2005

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/500,264	FIRST NAMED APPLICANT Andrea Mahn	ATTY. DOCKET NO. 4121-168
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INTERNATIONAL APPLICATION NO. PCT/EP02/14512
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I.A. FILING DATE 12/18/2002	PRIORITY DATE 12/19/2001
--------------------------------	-----------------------------

Steven J Hultquist  
 Intellectual Property Technology Law  
 PO Box 14329  
 Research Triangle Park, NC 27709

**RECEIVED**

NOV 28 2005

**IPTL**

CONFIRMATION NO. 9836  
 371 WITHDRAWAL NOTICE

\*OC000000017525566\*

Date Mailed: 11/25/2005

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

The Notice mailed on 01/31/2005 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the enclosed Notice. We apologize for any inconvenience this caused.

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO.

10/500,264

FIRST NAMED APPLICANT

Andrea Mahn

ATTY. DOCKET NO.

4121-168

INTERNATIONAL APPLICATION NO.

PCT/EP02/14512

I.A. FILING DATE

12/18/2002

PRIORITY DATE

12/19/2001

Steven J Hultquist  
Intellectual Property Technology Law  
PO Box 14329  
Research Triangle Park, NC 27709

CONFIRMATION NO. 9836

371 FORMALITIES LETTER



\*OC000000017525579\*

Date Mailed: 11/25/2005

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 06/18/2004
- Copy of the International Search Report filed on 06/18/2004
- Copy of IPE Report filed on 06/18/2004
- Preliminary Amendments filed on 06/18/2004
- Biochemical Sequence Diskette filed on 11/25/2005
- Oath or Declaration filed on 12/08/2004
- Biochemical Sequence Listing filed on 11/25/2005
- Small Entity Statement filed on 06/18/2004
- Request for Immediate Examination filed on 06/18/2004
- U.S. Basic National Fees filed on 06/18/2004
- Priority Documents filed on 06/18/2004
- Power of Attorney filed on 06/18/2004

Applicant's response filed 11/25/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/08/2004 have not been completed.

*/ responded  
12/25/05 am*

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821-1.825. The application must be in sequence compliance before examination on the merits.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

See the attachment.

**Applicant Must Provide as part of the response:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,264	PCT/EP02/14512	4121-168

PC/MS DOS Patentin 3.3

Applicant: Andreas MAHN, et al

Title: METHOD OF INCREASING THE  
TRANSGENE-CODED  
BIOMOLECULES CONTENT IN  
ORGANISMS

Date Filed: December 27, 2005

Application No.: 10/500,264

Date Recorded: December 27, 2005

Attorney Docket No.: 4121-168

Contact: Steven J. Hultquist, 919.419.9350

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This confirms receipt of:  
Response to November 25, 2005 withdrawal of previously sent notice and corrected notice; submission  
of sequence listing in computer readable form with statement under 37 CFR 1.821-1.825 and preliminary  
amendment

In re U.S. Patent Appl. of: Mahn, Andreas, et al.  
Date Filed: June 18, 2004  
International Filing Date: December 19, 2001  
Title: METHOD OF INCREASING THE TRANSGENE-CODED  
BIOMOLECULE CONTENT IN ORGANISMS  
Date Mailed: December 27, 2005  
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Attorney Ref: 4121-168

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